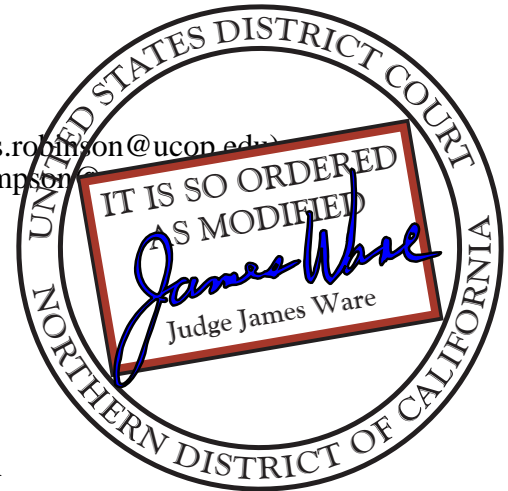


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 THE REGENTS OF THE UNIVERSITY OF CALIFORNIA



UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

THE REGENTS OF THE UNIVERSITY OF  
 CALIFORNIA,

Plaintiff,

v.

MICRO THERAPEUTICS, INC., a Delaware  
 corporation, and DENDRON GmbH, a German  
 corporation,

Defendant,

MICRO THERAPEUTICS, INC., a Delaware  
 corporation, and DENDRON GmbH, a German  
 corporation,

Third Party Plaintiffs,

v.

BOSTON SCIENTIFIC CORPORATION,  
 a Delaware corporation, and TARGET  
 THERAPEUTICS, INC. a Delaware corporation,

Third Party Defendants.

Case No. C 03 05669 JW (RS)

**JOINT STIPULATION AND [PROPOSED]  
 ORDER TO SET PRETRIAL DEADLINES**

Pursuant to the Case Management Conference of March 13, 2007, Plaintiffs and Counterdefendant The Regents of the University of California ("The Regents"), Defendants and Third Party Plaintiffs Micro Therapeutics, Inc., Dendron GmbH and ev3 Inc. (collectively "MTI"), and Third Party Defendants Boston Scientific Corporation and Target Therapeutics, Inc. (collectively "Boston Scientific") hereby stipulate to the following pretrial schedule.

PRETRIAL / TRIAL ACTIVITIES	DEADLINES
L/D for parties to exchange Rebuttal Expert Disclosures and Reports	April 30, 2007
L/D for Parties to Exchange Reply Expert Reports	<del>May 14, 2007</del> June 22, 2007
L/D for parties to complete mediation	May 31, 2007
L/D for parties to complete expert discovery	<del>June 8, 2007</del> July 10, 2007
Hearing on (1) The Regents' Motion for Summary Judgment regarding infringement; and (2) MTI's Motion for Summary Judgment Based on 35 U.S.C. § 112 (including best mode, written description, enablement and/or indefiniteness)	June 5, 2007 at 9:00 a.m.
Hearing on (1) The Regents' Motion for Summary Judgment dismissing MTI's invalidity for anticipation defenses; (2) MTI's Motion for Summary Judgment regarding anticipation and obviousness pursuant to 35 U.S.C. § 102/103; and (3) Motion for Summary Judgment regarding MTI's antitrust claims	<del>July 10, 2007 at 9:00 am</del> July 24, 2006 at 9 a.m.
L/D to Propound Requests for Admissions on Document Authentication (by email and overnight mail)	July 31, 2007
L/D to file Joint Preliminary Pretrial Statement	August 17, 2007
L/D to file/serve motions <i>in limine</i> (including any motion regarding the qualifications or	August 20, 2007

PRETRIAL / TRIAL ACTIVITIES	DEADLINES
testimony of any expert witness)	
Hearing on Motion to Bifurcate	August 21, 2007 at 9:00 am
L/D to respond to Requests for Admissions on Document Authentication	August 30, 2007
Preliminary Pretrial Conference	August 31, 2007
<ul style="list-style-type: none"> <li>L/D for parties to exchange:               <ol style="list-style-type: none"> <li>Initial witness list</li> <li>Initial deposition or other discovery excerpts</li> <li>Initial exhibit list</li> </ol> <p>Note: Except those offered for impeachment or rebuttal</p> <ol style="list-style-type: none"> <li>Proposed voir dire questionnaire</li> <li>Proposed jury instructions</li> <li>Proposed verdict forms</li> </ol> </li> </ul>	September 4, 2007
<ul style="list-style-type: none"> <li>L/D to file/serve Oppositions to motions <i>in limine</i> (including any motion regarding the qualifications or testimony of any expert witness)</li> </ul>	September 10, 2007
<p>File/serve the following:</p> <ul style="list-style-type: none"> <li>Objections to:               <ol style="list-style-type: none"> <li>Witness lists</li> <li>Exhibit lists</li> <li>Deposition or other discovery excerpts</li> <li>Voir dire questionnaire</li> <li>Jury Instructions</li> <li>Verdict forms</li> </ol> </li> <li>Identify counter-designations of deposition or other discovery excerpts</li> </ul>	September 13, 2007

L/D for parties to exchange:	September 20, 2007
<ul style="list-style-type: none"> <li>• Objections to counter-designations of deposition or other discovery excerpts</li> <li>• Rebuttal deposition or other discovery designations</li> </ul>	
Exchange premarked exhibits	September 25, 2007
File Final Joint Pretrial Statement	September 25, 2007
Parties to meet-and-confer regarding:	September 25, 2007
<ul style="list-style-type: none"> <li>• Trial exhibits and objections</li> <li>• Voir dire questionnaire</li> <li>• Jury instructions</li> <li>• Verdict forms</li> </ul>	
L/D for parties to exchange objections on rebuttal deposition or other discovery designations	
File/serve the following:	October 2, 2007
<ul style="list-style-type: none"> <li>• Trial briefs</li> <li>• Final witness list</li> <li>• Final exhibit list</li> <li>• Final voir dire questionnaire</li> <li>• Final jury instructions</li> <li>• Final verdict forms</li> </ul>	
Lodge premarked exhibits and discovery excerpts (including deposition and written discovery excerpts)	October 2, 2007
Final Pretrial Conference	October 9, 2007
Jury trial	Trial begins at 9:00 a.m. on October 16, 2007; continues through November 16, 2007

The parties reserve their rights to file cross-motions for summary judgment as to any summary judgment motion filed by another party.

Dated: April 27, 2007

By: /s/ Patrick Premo  
Lynn H. Pasahow (SBN 054283)  
Patrick E. Premo (SBN 184915)  
FENWICK & WEST LLP  
Attorneys for Plaintiff/Counterdefendant  
THE REGENTS OF THE UNIVERSITY OF  
CALIFORNIA

Dated: April 27, 2007

By: /s/ Michelle Umberger  
John S. Skilton (*Pro Hac Vice*)  
Michelle M. Umberger (*Pro Hac Vice*)  
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Attorneys for Defendants/Counterclaimants  
MICRO THERAPEUTICS, INC. and DENDRON GMBH

Dated: April 27, 2007

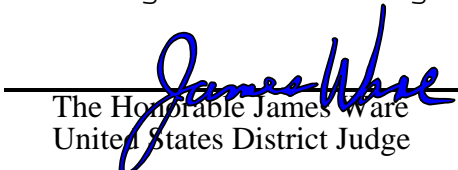
By: /s/ Roland H. Schwillinski  
Roland H. Schwillinski (*Pro Hac Vice*)  
GOODWIN PROCTER LLP  
Attorneys for Third Party Defendants  
BOSTON SCIENTIFIC and TARGET THERAPEUTICS,  
INC.

### ORDER

#### **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Please note that the Court has made significant changes to the proposed schedule.

Dated: April       , 2007  
May 1, 2007

  
The Honorable James Ware  
United States District Judge

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